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MAY 10 2005  
U. S. PATENT AND TRADEMARK OFFICE  
SC101

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV492342248US, in an envelope addressed to: MS 313(c), Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: May 10, 2005

Signature:

*Michelle Chicos*  
(Michelle Chicos)

Docket No.: 55729(71526)  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Ichiro Hirao et al.

Allowed: @@@

Application No.: 09/787,196

Confirmation No.: 6079

Filed: April 26, 2001

Art Unit: 1623

For: NOVEL NUCLEIC ACID BASE PAIR

Examiner: M. C. Henry

### PETITION TO WITHDRAW APPLICATION FROM ISSUE PURSUANT TO 37 CFR 1.313(c)(2)

MS 313(c)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Petitioner hereby petitions the Commissioner to withdraw the above-identified application from issue. The Issue Fee in this application was timely paid on March 10, 2005.

Please charge our Deposit Account No. 04-1105 in the amount of \$920.00 covering the fees set forth in 37 CFR 1.17(h) and 1.17(e).

Petitioner respectfully petitions that the above-identified application be withdrawn from issue in order to permit consideration of a submission under 37 CFR 1.114 (Request for Continued Examination with an Information Disclosure Statement) a copy of which is enclosed.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper

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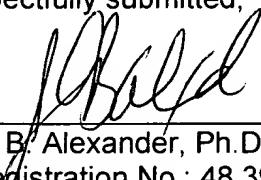
02 FC:1464 130.00 DA

hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 55729(71526). A duplicate copy of this paper is enclosed.

Dated: May 10, 2005

Respectfully submitted,

By

  
John B. Alexander, Ph.D.  
Registration No.: 48,399  
EDWARDS & ANGELL, LLP  
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Attorney for Applicant



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**PETITION FEE  
Under 37 CFR 1.17(f), (g) & (h)  
TRANSMITTAL**

(Fees are subject to annual revision)

**Send completed form to:**

MS 313(c)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

<b>Application Number</b>	09/787,196
<b>Filing Date</b>	April 26, 2001
<b>First Named Inventor</b>	Ichiro Hirao
<b>Art Unit</b>	1623
<b>Examiner Name</b>	M. C. Henry
<b>Attorney Docket Number</b>	55729 (71526)

Enclosed is a petition filed under 37 CFR 1.313 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

**Payment of Fees** (small entity amounts are NOT available for the petition fees).

The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 04-1105 :

Petition fee under 37 CFR 1.17(f), (g) or (h)  Any deficiency of fees and credit of any overpayments  
Enclose a duplicative copy of this form for fee processing.

Check in the amount of \$ \_\_\_\_\_ is enclosed.

Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462**

For petitions filed under:

§ 1.53(e) – to accord a filing date.  
§ 1.57(a) – to accord a filing date.  
§ 1.182 – for decision on a question not specifically provided for.  
§ 1.183 – to suspend the rules.  
§ 1.378(e) – for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.  
§ 1.741(b) – to accord a filing date to an application under § 1.740 for extension of a patent term.

**Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463**

For petitions filed under:

§ 1.12 – for access to an assignment record.  
§ 1.14 – for access to an application.  
§ 1.47 – for filing by other than all the inventors or a person not the inventor.  
§ 1.59 – for expungement of information.  
§ 1.103(a) – to suspend action in an application.  
§ 1.136(b) – for review of a request for extension of time when the provisions of section 1.136(a) are not available.  
§ 1.295 – for review of refusal to publish a statutory invention registration.  
§ 1.296 – to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.  
§ 1.377 – for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.  
§ 1.550(c) – for patent owner requests for extension of time in ex parte reexamination proceedings.  
§ 1.956 – for patent owner requests for extension of time in inter partes reexamination proceedings.  
§ 5.12 – for expedited handling of a foreign filing license.  
§ 5.15 – for changing the scope of a license.  
§ 5.25 – for retroactive license.

**Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464**

For petitions filed under:

§ 1.19(g) – to request documents in a form other than that provided in this part.  
§ 1.84 – for accepting color drawings or photographs.  
§ 1.91 – for entry of a model or exhibit.  
§ 1.102(d) – to make an application special.  
§ 1.138(c) – to expressly abandon an application to avoid publication.  
§ 1.313 – to withdraw an application from issue.  
§ 1.314 – to defer issuance of a patent.

Signature

May 10, 2005

Date

John B. Alexander, Ph.D.

48,399

Typed or printed name

Registration No., if applicable

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